

Ms Seonaid Carr
Development Management
Camden Council
6th Floor, Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Our Ref: *PL12_051*
Your Ref: *2014/5208/P*
Email: *Paul.Lemar@fairview.co.uk*

15th October 2014

Dear Ms Carr,

2014/5208/P - 317 Finchley Road, London NW3 6EP
Demolition of existing public house (A4) and erection of seven storey(including basement) building with 149sqm of retail (A1) at ground floor level and 9 flats (C3) above

As owners of the adjacent land to the west, we write to object to the above application. Fairview New Homes Ltd (Fairview) are a leading residential developer that specialises in the regeneration of vacant and derelict brownfield land in urban settings to deliver quality homes that are affordable. We are very familiar with issues arising out of the redevelopment of previously developed land.

We wrote in objection to the previous application (2014/0152/P) on the site that was withdrawn. Most of our reasons for objection remain, on the basis that the site area has not changed and therefore is inherently an underutilisation of the site. This letter reiterates our concerns with the development and provides further matters for consideration.

a) Incongruous design

The position of the development remains the same and it still does not respond to the set back position of the adjacent train station. The revised scheme no longer displays pastiche detailing and has taken a more contemporary approach. It does not look to retain the whole of the traditional frontage, but simply a small section of it towards the railway station. The relationship between this small section of traditional frontage and the now contemporary design of the rest of the building is not concordant.

The proposed contemporary approach lacks detailing and the use of commercial style metal cladding relates poorly to the surrounding context. The rear element appears bulky and overbearing, particularly when viewed from the railway platform below, and lacks any articulation at all.

For these reasons, the proposed scheme would detract from the character and appearance of the area, contrary to the NPPF and policies CS14 and DP24.

b) Harm to neighboring amenity

Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.

The scheme, as a result of its increased height and constrained site, would appear overbearing in the form proposed. There are residential units at the upper floors of the building to the south-east. The proposed design in relation to the neighbouring buildings would give rise to an overbearing impact and increased overlooking.

The application is submitted with a Daylight, Sunlight and Overshadowing Assessment, prepared by REC Ltd (REC) on 18th July 2014. The assessment has been reviewed by CHP Surveyors Limited (CHP) who have identified the following shortcomings:

- The analysis has not considered the residential accommodation at 313-315 Finchley Road whose rear windows main access to daylight is over the site. The attached CHP assessment shows that if this was tested it would reveal significant obstruction to daylight (see Figure B of the CHP letter);
- At 12 Petros Gardens (referred to as Receptor Group 3) only one location was assessed. Conversely, CHP state that 18 windows on this building should have been tested;
- It appears the location of the single receptor for Receptor Group 3 is taken at first floor level rather than ground floor level as stated within the report;
- The Waldram Diagram in Figure 8 of the REC report is deemed to be an incorrect assessment from Receptor Group 3. Figure A within the CHP report shows a correct Waldram Diagram which shows significantly greater obstruction to light for that window.
- The BRE Guidelines require that the level of daylight distribution within each room is established by plotting the No Sky Line and this analysis does not appear to have been undertaken;
- In terms of sunlight, the REC report states: "This indicated that there were no locations within 90 degrees of due north of the proposed structure sensitive to changes in sunlight provision." There is however no evidence in the form of results of an analysis for any windows facing within 90 degrees of due south to support this.
- The overshadowing analysis only shows the result for noon on the 21st March. It does not as required by the BRE guidelines establish the area of amenity space that cannot see at least 2 hours of sunlight on the 21st March.

In summary, the REC assessment has not considered the implications the proposals will have on the adjoining development site as set out in 2.3 of the BRE guidelines and therefore does not demonstrate whether the proposals will have a significant effect on the daylight and sunlight enjoyed by neighbouring residential properties. As such the assessment has not followed the guidelines within the Camden Planning Guidance SPD: Housing section and Policy DP26.

c) Amenity Provision

The scheme provides an unacceptable level of private amenity space when assessed against Annex 1 of the London Plan Housing SPG. Criterion 4.10.3 states that all balconies should have a minimum depth of 1.5m. All of the balconies to the rear of the building are less than 1.1m in depth and therefore are not acceptable. Furthermore, the three 2 bed 4 person

(80.5sq.m) flats only provide 6.6sq.m of amenity space, whilst the London Plan would require at least 7sq.m.

There are concerns over the proportion and dimension of some of the living areas on the 2nd, 3rd and 4th floors. These rooms are long and narrow and do not accord with the 2:1 room size ratio target defined by the London Plan. The outcome is that these rooms would not benefit from a good quality of accommodation. This is contrary to the guidance contained in the Camden Planning Guidance SPD: Housing section.

d) Access, safety and security

As with the previous scheme, we uphold our concerns relating to the lack of improvement to Bill Fury Way. The layout is still unable to widen this narrow, dark path to increase natural surveillance. As raised before, the inclusion of Fairview's land within the scheme would enable such works to be undertaken and this would contribute to Policy CS17 which aims to make Camden a safer place.

e) Affordable Housing & Under-Utilisation of Land

The flats are poorly designed, making inefficient use of the floor area. The scheme has a residential floor area of over 1,316sq.m (GEA). Deducting 120sqm of basement floor area (which does not have sunlight or daylight) this leaves approximately 1,100sqm of floor space. Camden's Policy DP3 states that developments over 1,000sq.m should provide at least 10 units and therefore must provide affordable housing either on site, or if exceptional circumstances exist through off-site contributions. It is considered that a 9 unit scheme may have been devised to intentionally avoid the requirement to provide affordable housing and is therefore contrary to Policy DP3 and the Camden Planning Guidance SPD: Affordable Housing section.

This under-utilisation of land and deficiency in affordable housing provision is further exacerbated as it does not include land to the rear.

For this reason, the development is not in accordance with Policy DP2 (a) which requires the maximum appropriate contribution to supply of housing on sites that are underused or vacant. It also conflicts the primary objective of the NPPF to achieve sustainable development and Core Strategy policy CS1 (a), (d) and (e) which promote the efficient use of land and buildings.

f) Summary

We object to the development in its present form for the reasons set out above. This revised development has failed to respond to a number of our original objections. The design is of poor quality, the quality of amenity space provided is poor and there is an unacceptable impact on neighbouring amenity. In addition to this, our concerns over the under-utilisation of land have worsened by the loss of an additional unit and without any provision of affordable housing.

The proposal is contrary to the aims of national and local plan policy to ensure the efficient use of land, deliver of quality design and protect amenity. As such, it does not represent sustainable development and conflicts with the NPPF and Camden Policy CS1, CS3, CS14, CS17, DP2(a), DP3, DP24, DP26 and DP31.

As submitted in our previous objection letter, Fairview own land to the rear of the site. This land is available for development and we seek to bring forward a well-planned scheme that fully utilises all the space that is available. The result would be a superior quality living

environment and higher quality design response compared to the application proposal. Additional benefits include a large communal open space to the rear of the site and improvements to Billy Fury Way to provide an attractive walkway to the south, as well as the provision of affordable units, subject to viability. These benefits could not be realised if the application scheme is approved.

We trust the above comments will be taken into account during the assessment of the current planning application. We would be most grateful to be kept informed of progress. In the meantime, please do not hesitate to contact us should there be any queries regarding the representations made.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Lemar', with a long horizontal flourish extending to the right.

Paul Lemar
Planning Director
FAIRVIEW NEW HOMES LTD

Encls: Letter from CHP Surveyors Ltd